

REMARKS

This response is made to the Office Action dated August 24, 2004. Claims 1-27 are pending in this application. Claims 6, 11, 12, 15-20, 26 and 27 have withdrawn as being directed to a non-elected species. Applicants have carefully reviewed the Examiner's position presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

Applicants file concurrently with this Response corrected formal drawings in compliance with 37 C.F.R. § 1.121(d). The submitted drawings include the proposed changes to the drawings which were previously sent to the Examiner on April 26, 2004.

Claims 1-5, 7-10, 13, 14 and 21-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,187,025 to Machek ("the Machek patent"). Applicants have carefully reviewed the Machek patent and strongly disagree with the Examiner's characterization of the various elements found in the Machek patent. Initially, Applicants note that the Examiner has indicated that a guidewire, designated by the numeral 135, is shown in the Machek patent. Applicants respectfully point out that the component designated 135 in the Machek patent is a short, flexible wire which extends from the distal end of the tubular member 125 and is attached to an end piece 137. This flexible wire 135, however, does not function as a guidewire, but rather, merely connects two components together. A guidewire is a well known device in the art and this short, flexible wire 135 disclosed in the Machek patent simply does not constitute a guidewire as indicated by the Examiner. For this reason alone, the Machek patent fails to disclose the claimed invention recited in the pending claims.

With regard to claims 21-25, the particular system utilized in accordance with the claimed method for capturing embolic material is not disclosed in the Machek patent as is discussed above. Applicants submit that both the system and method of the pending claims are not disclosed in the Machek patent. Accordingly, Applicants respectfully request the Examiner to withdraw the Machek patent as an anticipatory reference.

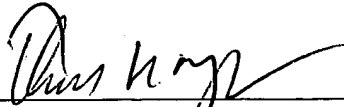
In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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